

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND 19 - 0559 JMC

IN THE MATTER OF THE SEARCH  
OF  
CERTAIN CELL TOWER DATA AND  
CERTAIN CELLULAR PHONES.

FILED UNDER SEAL

CASE NO. 19 - 0562 JMC

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Special Agent Brendan Plasha of the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF"), being duly sworn, state and depose the following:

**PURPOSE OF THE AFFIDAVIT**

Michael Arnold, Stewart Williams, and Kelvin McFadden are currently targets of a federal investigation into a series of robberies. I make this affidavit in support of an application for search warrants to search and seize evidence, fruits, and instrumentalities related to violations of 18 U.S.C. §1951(a) (Affecting Interstate Commerce by Robbery). *See* 18 U.S.C. § 2703; Federal Rule of Criminal Procedure 41. The affidavit seeks to procure search warrants for (1) historical cell site data in the possession of four telephone service providers; (2) a cell phone associated with Michael Arnold; (3) a cell phone associated with Stewart Williams; and (4) a cell phone associated with Kelvin McFadden.

For the historical cell site data, the warrant would require the telephone service providers ("the Service Providers") listed below to disclose certain records and other information pertaining to the cell phone towers described in Part I of Attachment

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- Verizon Wireless
- Sprint
- AT&T

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- T-Mobile

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The records and other information to be produced and searched are described in Part II of Attachment A.

For the cell phones, the warrants will permit law enforcement to search the cell phones described in attachments B, C, and D ("Target Phones") and seize evidence, fruits, and instrumentalities related to violations of 18 U.S.C. §1951(a)) (Affecting Interstate Commerce by Robbery) as described in Attachment E. The Target Phones are described below.

- Target Phone 1: One cell phone associated with Michael Arnold.
  - Black LG-B470; IMEI: 356585-09-019919-1; SIM Card Number: 89014103270758328108. *See* Attachment B.
- Target Phone 2: One cell phone associated with Stewart Williams.
  - Pink and White IPhone SE; IMEI Number: 356603081879190. *See* Attachment C.
- Target Phone 3: One cell phone associated with Kelvin McFadden.
  - Black ZTE, Z899VL Majesty Pro; MEID: 256691623003748656; MDN: 4438907949; ICCID: 89148000003666157966; IMSI: 311480373341163; UFED S/N: 7209680. *See* Attachment D.

#### AGENT BACKGROUND

1. I am a Special Agent with ATF and have been since 2015. I am currently assigned to the ATF Baltimore Field Division, Baltimore Field Office. I attended the United States Department of Homeland Security's Criminal Investigator Training Program and ATF's Special Agent Basic Training, both located in Glynco, Georgia, for a combined period of twenty-six weeks. I have received extensive training, both formal and on-the-job, in the provisions of the Federal Firearms Laws and Federal Narcotics Laws administered under Title 18, Title 21, and Title 26 of the United States Code. As an ATF agent, I have conducted and participated in numerous investigations concerning violations of federal firearm laws, violations of federal

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controlled substance laws, and the commission of violent crimes. I have received specialized training regarding, and have personally participated in, various types of investigative activities, including: (a) physical surveillance; (b) the debriefing of defendants, witnesses, informants, and other individuals who have knowledge concerning violations of federal firearms and controlled substance laws; (c) undercover operations; (d) the execution of search warrants; (e) the consensual monitoring and recording of conversations; (f) electronic surveillance through the use of pen registers and trap and trace devices; (g) the court-authorized interception of both wire and electronic communications (i.e., Title III wiretaps); and (h) the handling, maintenance, and examination of evidence, including wireless telephones and computers.

2. As a Special Agent with ATF, I am authorized to investigate violations of laws of the United States and as a law enforcement officer with the authority to make arrests and execute warrants issued under the authority of the United States.

3. The information contained in this affidavit comes from my personal observations; my training and experience; and information obtained from other agents, police officers and detectives, witnesses, and reports. Since this affidavit is being submitted for the limited purpose of establishing probable cause for securing the search warrants, I have not included every fact known to me concerning the investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of the violation of 18 U.S.C. § 1951(a) (Robbery Affecting Commerce) are located within the historical cell site data and the Target Phones.

4. Based on my training, knowledge, and experience, I also know that the location of a cell phone at a particular time (based on cell site records and location information) may constitute evidence of a crime. Such location information allows investigators to determine, for

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example, whether a particular telephone was in the vicinity of a robbery location such as a bank or convenience store around the time of its robbery. Indeed, here, such cell site records and location information will, among other things, help the United States to (a) investigate possible connections among phone numbers associated with Arnold, Williams, and McFadden and the telephones of other potential co-conspirators; and (b) identify some of the past movements of the user or users of the seized telephones within broad (multi-square-mile) geographic regions to determine whether they were present in the areas of other robberies during 2018 that shared a similar *modus operandi* to those of the robberies discussed below. This is particularly so given that individuals who participate in collective criminal activity, including armed robberies, frequently have cell phones with them when they commit their crimes and frequently communicate with one another by cell phone, by social media, and by use of the Internet, before and after those crimes.

5. I know from my training, investigative experience, and information learned from colleagues who have significant experience investigating robberies, that information and records obtained from the search of cell phones often yield evidence, fruits, and instrumentalities related to violations of federal law. People engaging in illegal activity, including robberies affecting interstate commerce, often use their cell phones to coordinate their criminal plans with co-conspirators and tend to use their cell phones to call or message accomplices before, during, and after a crime has been committed. Sometimes, when an individual commits a crime, an accomplice will be nearby to serve as a lookout for police. The individual may then contact the accomplice via electronic device for assistance fleeing the crime scene, including by contacting a getaway driver involved in the commission of a robbery. Cell phone coordination with co-conspirators can extend beyond the commission of a robbery to the sale of any stolen

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merchandise. Additionally, cell phones often contain contact information of co-conspirators.

Moreover, individuals who commit robberies tend to use their cell phones to take photographs or videos of relevant locations; persons and co-conspirators; and/or the merchandise obtained from the robbery.

**CELL TOWERS**

1. Many cellular service providers maintain antenna towers (“cell towers”) that serve specific geographic areas. Each cell tower receives signals from wireless devices, such as cellular phones, in its general vicinity. These cell towers allow the wireless devices to transmit or receive communications, such as phone calls, text messages, and other data. The tower closest to a wireless device does not necessarily serve every call made to or from that device.

2. In addition to a unique telephone number, each cell phone is identified by one or more unique identifiers. Depending on the cellular network and the device, the unique identifiers for a cell phone could include an Electronic Serial Number (“ESN”), a Mobile Electronic Identity Number (“MEIN”), a Mobile Identification Number (“MIN”), a Subscriber Identity Module (“SIM”), a Mobile Subscriber Integrated Services Digital Network Number (“MSISDN”), an International Mobile Subscriber Identifier (“IMSI”), or an International Mobile Equipment Identity (“IMEI”).

3. Cellular service providers routinely maintain historical cell-tower log information, including records identifying the wireless telephone calls and communications that used a particular tower. For each communication, these records may include the telephone call number and unique identifiers for the wireless device in the vicinity of the tower that made or received the communication (“the locally served wireless device”); the source and destination telephone numbers associated with the communication (including the number of the telephone that called

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or was called by the locally served wireless device); the date, time, and duration of the communication; the “sectors” (i.e., the faces of the towers) that received a radio signal from the locally served device; and the type of communication transmitted through the tower (such as phone call or text message).

**PROBABLE CAUSE**

1. Between May 25, 2018 and September 1, 2018, there were a total of 17 robberies that occurred in Baltimore City, Baltimore County, and Anne Arundel County that share common characteristics and are linked together by various pieces of evidence. The robberies occurred in geographic and temporal clusters. Additionally, groupings of these robberies appear to have involved similar looking weapons and clothing. There is also forensic evidence, in the form of fingerprints, that link Williams and McFadden to several robberies. Arnold, Williams, and McFadden each made incriminating post-*Miranda* statements. Finally, there is surveillance footage of many of these robberies.

2. With one exception, each of these robberies involved two or three black males as suspects. Two of the robberies also involved a black female suspect. In addition, a number of the robberies included a potential getaway driver.

3. The below chart lists the entire series of robberies. As I reference various robberies throughout this affidavit, I will include as an indicator their corresponding number in this chart.

	<b>Date</b>	<b>Business Name</b>	<b>Location</b>
1	5/25/2018 9:33pm	Conrad's Crabs and Seafood Market	1720 E. Joppa Rd, Parkville, MD 21234
2	6/10/2018 8:23pm	Pappas Liquor Store	1725 Taylor Ave, Parkville, MD 21234
3	6/20/2018 9:04pm	Smoothie King	1830 York Rd, Lutherville-Timonium, MD 21093

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4	6/20/2018 9:17pm	Padonia Liquors	51 E. Padonia Rd, Lutherville-Timonium, MD 21093
5	6/20/2018 10:10pm	Liquor Mart	833 Taylor Ave, Towson, MD 21286
6	7/10/2018 11:00pm	Group of Individual Victims	1700 Yakona Rd, Baltimore City, MD 21234
7	7/11/2018 9:55pm	Individual Victim	8625 Walther Blvd, Baltimore City, MD 21236
8	7/11/2018 9:57pm	Walther Liquors	8625 Walther Blvd, Baltimore City, MD 21236
9	7/18/2018 11:07pm	Harford Beverage	7732 Harford Rd, Parkville, MD 21234
10	7/20/2018 6:14pm	C-Mart	8039 Fort Smallwood, Riviera Beach, MD 21226
11	7/22/2018 1:31am	Wawa (attempted)	8300 Veterans Highway, Millersville, MD 21108
12	7/26/2018 5:50pm	8 Days A Week Convenience Mart	1700 Taylor Ave, Parkville, MD 21234
13	8/18/2018 9:50pm	Quick Stop Food Mart	3301 E Joppa Rd, Parkville, MD 21234
14	8/21/2018 9:50pm	GameStop	3611 Washington Blvd, Halethorpe, MD 21227
15	8/25/2018 10:54pm	GameStop	6901 Security Blvd, Baltimore City, MD 21207
16	8/28/2018 10:50pm	GameStop	1004 Taylor Ave, Towson, MD 21286
17	9/01/2018 10:35pm	GameStop	6370 York Rd, Baltimore, MD 21212

4. On June 22, 2018, Michael Arnold was arrested in Anne Arundel County while attempting to rob a Wawa (#11). After being arrested and having his *Miranda* rights explained to him, Arnold admitted to attempting to rob the Wawa. In his own words, Arnold said something like, "I was in the process of robbing it." Arnold also made statements incriminating himself for the June 20, 2018 robbery of the C-Mart (#10). For example, when an investigator

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showed Arnold a picture of a person wearing a hat (believed to be Arnold) who committed the C-Mart robbery, and asked Arnold if the hat was his, Arnold replied that it was not his hat but that he put it on because it was inside of a pouch. In addition to other incriminating statements he made during the interview, Arnold tacitly acknowledged that he had committed the C-Mart robbery. Arnold, however, was reluctant to say who he committed robberies with and would not tell investigators the identity of a co-conspirator whose image was captured by surveillance cameras. He explained that he was fearful for the safety of his family and that there was an ongoing violent conflict involving two separate groups happening near where he and his family members lived. Arnold did say, however, that there were "normally three" people involved in the robberies.

5. After Arnold's arrest, based on Arnold's physical appearance and other evidence, investigators identified multiple robberies of convenience and liquor stores that they believed Arnold and other co-conspirators were responsible for or involved with.

6. Arnold has been charged in Anne Arundel County with the C-Mart robbery (#10, 7/20/2018) and the Wawa attempted robbery (#11, 7/22/2018).

7. On September 1, 2018, Stewart Williams and Kelvin McFadden were arrested in Baltimore City after leading police on a high speed chase following their robbery of a GameStop (#17). Police captured footage of Williams and McFadden bailing out of the car and entering the residence at 922 Stricker Street where they were eventually apprehended. Police obtained a search warrant for the car, which they also learned was registered to McFadden. *See Attachment G.* During that search, police recovered two cell phones (target Telephone 2 and Target Telephone 3).

8. After the arrest of Williams and McFadden, based on their physical appearance

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and other evidence, investigators identified multiple robberies of convenience stores and liquor stores that they believe Williams and McFadden and certain co-conspirators were responsible for or involved with.

9. Following their arrests, Williams and McFadden were both interviewed after having their *Miranda* rights explained. Williams made incriminating statements implicating himself in the robberies of the four GameStops (# 14, 8/21/2018; #15, 8/25/2018; #16, 8/28/2018; #17, 9/01/2018). When confronted with incriminating evidence from the GameStop robbery that occurred on 9/01/2018 (#17), Williams stated that the game systems were all still in the car. Williams also said that the gun used during the robbery was fake and said that he had no intentions of hurting anybody. When asked about the previous GameStop robberies, Williams stated that he had no interest in seeing pictures from the other robberies and admitted that the game systems were sold on the street, but said that he was not involved with selling the systems. Williams went on to state that "the risk was not worth the reward."

10. After having his *Miranda* rights explained, McFadden also made incriminating statements implicating himself in the robberies of the four GameStops. When confronted with incriminating evidence from the GameStop robbery that occurred on 9/01/2018 (#17), McFadden said that he was not the one with the gun and that he wouldn't have hurt anyone. McFadden stated that he told the employees that he wasn't going to hurt them. McFadden also said that the car used to flee the scene and lead police on a high speed chase was his. When asked about the previous GameStop robberies, McFadden admitted that he sold the game systems.

11. Additionally, investigators were able to determine that one of the game consoles stolen from the 08/28/2018 GameStop robbery (#16) was sold to a pawn shop by Kaela McFadden, Kelvin McFadden's sister.

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12. Williams and McFadden have since been charged in Baltimore County with approximately 41 counts each for their part in the robberies of the four Game Stops (#14, 8/21/2018; #15, 8/25/2018; #16, 8/28/2018; and #17, 9/1/2018), Walther Liquors (#8, 7/11/2018) and Quick Stop (#13, 8/18/2018).

13. Investigators recovered Target Phone 1 from Arnold's person after he was arrested for the attempted robbery of Wawa on 7/22/2018 (#11). Target Phone 2 and Target Phone 3 were recovered during a search warrant execution of McFadden's car after Williams and McFadden were arrested for the robbery of the GameStop on 9/1/2018 (#11). *See* Attachment G.

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14. Investigators confirmed that the Target Phone 1, which was recovered from Arnold, was in fact used by Arnold and belonged to him and was associated with 410-585-7592 by executing a search warrant on Target Telephone 1 (*see* Attachment F)<sup>2</sup>. Investigators were able to open the phone and determine that it was both used by Arnold and associated with 410-585-7592.

15. Relying on information I obtained from another investigation, I was able to determine that the phone number 443-355-1097 was associated with Williams. As part of that

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1 Attachment G includes the state search warrant authorizing state investigators to search the 2003 Honda Accord that was registered to McFadden and was involved in the high-speed chase following the final Gamestop robbery (#17, 9/1/2018). That search warrant also authorized state investigators to search for "Any and all cell phones" within the car and permitted them to undertake the "search and recovery, (download), of all data from within". For the purposes of this affidavit, federal investigators are not relying on any information or evidence obtained from the state download of Target Phone 2 or Target Phone 3.

2 Attachment F is the state search warrant that investigators obtained to search Arnold's phone and seize relevant evidence, fruits, and instrumentalities related to the robberies. While, the state search of Target Phone 1 yielded some information that is helpful to this investigation, I believe that an ATF search of Target Phone 1 using ATF's software and expertise will be able to uncover additional and more beneficial information. Therefore, I have sought a federal warrant to search Target Phone 1.

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one of the parties provided the telephone number 443-355-1097 as a number for "Burger." Based on information provided to me by several confidential sources, I know that "Burger" is a nickname for Williams. Additionally, on May 19, 2018, Richard McCardell, an associate of Williams, was shot. McCardell's phone was seized by law enforcement, who obtained a search warrant for the phone. In the extraction report executed pursuant to the search warrant, there are text messages and phone calls between McCardell and 443-355-1097, which McCardell named as "Burga" in his phone.

16. During a query of law enforcement databases on February 7, 2019, I learned that on August 31, 2018 a caller placed a 911 call to report an auto accident. The caller used telephone number 443-890-7949 and identified himself as Kelvin McFadden. This call was placed one day prior to McFadden's arrest.

17. After recovering Target Phone 2 from the inside McFadden's car investigators took several pictures of the exterior of Target Phone 2. On the screen were several text messages, including a text from that read "Hey Burger." Per paragraph 15, I know that "Burger" is one of Williams's nicknames. Accordingly, I believe that Target Phone 2 is associated with and was used by Williams.

18. After recovering Target Phone 3 from inside of McFadden's car investigators determined that it likely was associated with McFadden. McFadden and Williams were the only two individuals seen in the car during the high speed chase. Only two phones were recovered from the car during the search. The car was registered to McFadden and McFadden's ID was found within the car. Additionally, there were no cell phones stolen during the robbery of the GameStop on September 1, 2018.

19. In addition to the above, a general modus operandi, and the temporal and

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geographic clusters within which the robberies took place, there are additional, notable facts that link together groups of the robberies.

20. After being charged with the four GameStop robberies on 9/1/2018, Williams's fingerprints were also found at the scene of the Walther Liquors robbery that occurred on 7/11/2018 (#7).

21. McFadden's fingerprints were found both at the scene of the GameStop robbery that occurred on 9/1/2018 (#17) and also at the scene of the Quick Stop robbery that occurred on 8/18/2018 (#13).

22. Based on a review of surveillance footage and witness descriptions, investigators were able to determine that similar items and clothing were present across multiple robberies.

- a. An outfit including a blue and white "Dallas" baseball hat, a red shirt, and a blue bag: the Harford Beverage robbery (#6, 7/18/2018), the C-Mart robbery (#10, 7/20/2018), and the Wawa attempted robbery (#11, 7/22/2018).
- b. Black and white "Houston Rockets" baseball hat: Harford Beverage robbery (#9, 7/18/2018), the C-Mart robbery (#10, 7/20/2018), the Wawa attempted robbery (#11, 7/22/2018), and the 8 Days a Week robbery (#12, 7/26/2018).
- c. Gray or beige "Spurs" baseball hat: three GameStop robberies (# 14, 8/21/2018; #15, 8/25/2018; and #17, 9/01/2018).
- d. Black and orange "Orioles" baseball hat: the Quick Stop Food Mart (#13, 8/18/2018) and the first GameStop robbery (#14, 8/21/2018).
- e. Blue "Dallas Cowboys Star" baseball hat: two GameStop robberies (#16,

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8/28/2018 and #17, 9/01/2018).

23. One video recovered from the files of Arnold's cell phone, *see* Attachment F, and depicts Arnold riding in the passenger's seat of a car while it is driving on a highway. Music is playing in the background, and at times during the video, you can see another person driving the car. I recognize the driver to be Stewart Williams. Williams is wearing a black and white "Houston Rockets" hat that matches the one worn during several robberies (#9, 7/18/2018; #4, 7/20/2018; #11 7/22/2018; #12 7/26/2018). The video file is saved as "0718182035-01.3gp".

### CONCLUSION

1. Based on the above, I respectfully submit that there is probable cause to believe that Williams, McFadden, and Arnold have violated Title 18 U.S.C. § 1951(a) (Affecting Interstate Commerce by Robbery), and that there is probable cause to believe that evidence, fruits, and instrumentalities of these crimes will be found in the historical cell site data and the Target Phones.

2. I respectfully request that the Court issue the proposed search warrants, pursuant to 18 U.S.C. § 2703 and Federal Rule of Criminal Procedure 41.

3. I respectfully request that the Court issue search warrants to search the items listed in Attachments A, B, C, and D and to seize any items, information, and records located pursuant to the searches as described in Attachments A and E.

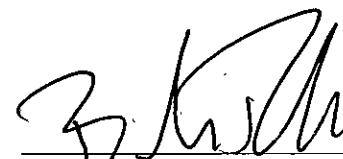
4. I further request that the Court direct AT&T, T-Mobile, Sprint, and Verizon to disclose to the government any information described in Attachment A that is within their possession, custody, or control.

5. Reasonable cause exists to permit the execution of these requested warrants at any time in the day or night because:

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- a. None of the warrants involve entry on to physical premises.
- b. The warrant permitting the collection and search of historical cell site data will be served on AT&T, T-Mobile, Sprint, and Verizon who will then compile the Target Information at a time convenient to them.
- c. The warrants for the cell phones involve the search of devices already in the custody and/or control of federal and state law enforcement.



Special Agent Brendan Plasha  
Bureau of Alcohol, Tobacco, Firearms, and  
Explosives

Subscribed to and sworn before me this 12 day of February, 2019

THE HONORABLE J. MARK COULSON  
UNITED STATES MAGISTRATE JUDGE

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